

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TWENTY FIRST DAY OF APRIL
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION NO : 3710 of 2005

Between:

- 1 A. Ranga Rao, S/o. Veera Raghavendra Rao,
R/o. Velpucherla Villge, Musunuru Mandal, Krishna District.
- 2 Y. Ram Mohan Rao, S/o. Sri Maha Vishnuvu,
R/o. Velpucherla Villge, Musunuru Mandal, Krishna District.
- 3 A. Sri Ramulu, S/o. Venkateswara Rao,
R/o. Velpucherla Villge, Musunuru Mandal, Krishna District.
- 4 Y. Veerabadra Rao, S/o Sri Maha Vishnuvu,
R/o. Velpucherla Villge, Musunuru Mandal, Krishna District.

..... PETITIONERS

AND

- 1 The District Collector, Krishna At Machilipatnam, Krishna District.
- 2 The District Sand Committee, Krishna, Rep. by its Chair person, The
Chairperson, Zilla Parishath, Machilipatnam, Krishna District.
- 3 The Joint Collector, Krishna At Machilipatnam, Krishna District.
- 4 The District Panchayat Officer, Krishna At Machilipatnam, Krishna District.
- 5 The Mandal Revenue Officer, Musunuru, Musunuru Mandal, Krishna District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a Writ or Order or direction, more particularly one in the nature of Writ of Mandamus, declaring the action of the respondents in proposing to grant Sand Quarry LeAse in R.S.No. 91 of Gopavaram Village, Musunuru Mandal, Krishna District, through which a supply channel from Yellapuram Village to the Irrigation Tanks of Balive and Velpucherla Villages is passing, as arbitrary, illegal and contrary to the provisions of the Andhra Pradesh Water, Land and Trees, Act, 2002, and pass such other order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case.

Counsel for the Petitioner : MISS. PADMA SHARANAPPA

**Counsel for the Respondents : GP FOR REVENUE & GP FOR PANCHAYAT
RAJ & RURAL DEVELOPMENT**

The Court at the stage of admission made the following :

THE HON'BLE MS. JUSTICE G.ROHINI

WRIT PETITION NO.3710 OF 2005

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ORDER :

The petitioners claim to be the agriculturists. It is stated that they have been cultivating the agricultural lands situated in different Survey Numbers of Balive and Velpucherla Villages of Musunuru Mandal, Krishna District which are abutting Thammileru River. It is stated that due to indiscriminate sand quarrying carried on in Thammileru River, there was depletion of ground water level in the surrounding lands which has adversely affected the cultivation of the land belonging to the petitioners and all the villagers are facing acute drinking water shortage. Having taken note of the said aspects for the past 3-4 years the sand quarrying was banned. It is alleged that in spite of the fact that there is no improvement in the ground water levels, now the second respondent is again proposing to grant sand quarrying lease in R.S.No.91 of Gopavaram village, Musunuru Mandal, Krishna District. The contention of the petitioners is that the said action of the second respondent ignoring the depletion of ground water levels in R.S.No.91 is arbitrary and illegal and in violation of the provisions of Andhra Pradesh Water, Land and Trees Act, 2002 (for short, 'the Act) and the Rules made thereunder. Hence, this writ petition seeking a

declaration that the action of the respondents in proposing to grant sand quarrying lease in R.S.No.91 of Gopavaram village, Musunuru Mandal, through which a supply channel from Yellapuram village to the irrigation tanks of Balive and Velpucherla villages is passing, as arbitrary and illegal.

Though no counter-affidavit is filed, the learned Government Pleader for Panchayat Raj & Rural Development, who accepted notice for the respondents, under instructions, states that the District Level Committee vide resolution dated 25-7-2003 has resolved not to lease out Gopavaram sand reach in compliance with the orders of this Court in W.P.No.18359 of 2002, dated 27-9-2002 wherein this Court directed not to conduct any fresh auctions in respect of the sand quarries except insofar as they relate to the Rivers of Krishna, Godavari and Penna. Subsequently, by order dated 22-09-2003 in W.P.No.19703 of 2003 this Court ordered to take action for grant of lease as per A.P. Water, Land and Trees Act, 2002 after conducting ground water survey. The Deputy Director, Ground Water, Vijayawada vide his letter dated 13-10-2003 informed that the ground water level in Gopavaram village is satisfactory. Again, by report dated 15-12-2004 the Deputy Director, Ground Water informed that the sand quarrying operations may be permitted as the ground water position is satisfactory. That apart, some of the villagers of Gopavaram Gram Panchayat represented that due to stoppage of quarrying they are constrained to get sand from long distances for their household usage and requested to lease out the reach for sand quarry. Therefore, the Mandal Revenue Officer, Musunuru was addressed by the District Panchayat Officer, Krishna vide proceedings dated 21-02-2005 to obtain public opinion in the matter to take a final action. Thus, the learned Government Pleader states that the necessary action in the matter will be taken after receiving the report of the Mandal Revenue Officer, Musunuru and as per the decision of the District Level Committee.

In view of what has been stated by the learned Government Pleader, it is clear that the matter is still under consideration and that the respondents have not yet taken any final decision for grant of sand quarry lease in R.S.No.91 of Musunuru village. In the circumstances, it is always open to the petitioners to submit their objections to 5th respondent opposing grant of sand quarry lease, in which event he will take the same into consideration while submitting his report in response to the proceedings of the District Panchayat Officer, dated 21-02-2005.

The writ petition is accordingly disposed of granting liberty to the petitioners to raise all the objections as available under law before the 5th respondent - Mandal Revenue Officer, Musunuru Mandal, Krishna District. If any such objections are raised within two weeks from today, the 5th respondent shall consider the same while submitting his report before the 4th respondent - District Panchayat Officer. It is made clear that till a final decision is taken by the District Level Committee on the basis of the report of the Mandal Revenue Officer, Musunuru, the order of Status Quo dated 9-3-2005 granted in this writ petition shall continue.

The Writ Petition is accordingly disposed of. No costs.

21st April, 2005.

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To

- 1 The District Collector, Krishna At Machilipatnam, Krishna District.
- 2 The Chair person, District Sand Committee, Krishna, Zilla Parishath, Machilipatnam, Krishna District.
- 3 The Joint Collector, Krishna At Machilipatnam, Krishna District.
- 4 The District Panchayat Officer, Krishna At Machilipatnam, Krishna District.
- 5 The Mandal Revenue Officer, Musunuru, Musunuru Mandal, Krishna District.

6. Two CCs to G.P. for Panchayat Raj & Rural Development, High Court of AP Bldgs, Hyderabad (OUT).

7. Two CD copies.

8. Two C.Cs. to the G.P. for Revenue, High Court Buildings, High Court of A.P.,

Hyderabad (OUT)